

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-216089

DATE: August 27, 1984

MATTER OF: Lee and Betty Maness

DIGEST:

Protest that procuring activity failed to allow protester to correct a mistake in its bid is untimely when filed more than 10 working days after protester knew or should have known of award to another firm.

Lee and Betty Maness (Manesses) protest the award of a contract for cleaning services under invitation for bids No. DACW43-84-B-0030, issued by the Army Corps of Engineers (Army). The Manesses allege that the Army failed to allow them to correct a mistake in their apparent low bid after previously indicating that the correction would be allowed.

We dismiss the protest as untimely.

The Army informally has advised us that by letter of May 25, 1984, the Manesses were notified of the award of the contract to another firm.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1983), require protesters to file their protests no more than 10 working days after the basis of protest is known or should have been known, whichever is earlier. For protests filed with us, the term "filed" means receipt in our Office. Here, the protesters knew their basis of protest (that their bid no longer was being considered by the Army and, therefore, not subject to correction) when they received the Army's letter of May 25, 1984, advising of the award to another firm. Allowing a reasonable time for delivery of that letter, the Manesses protest filed with us on August 14, 1984 (more than 2 months after the Army mailed the notice of award), is untimely and will not be considered on the merits. Holmes Ambulance Service Corp., B-213743,

29166

B-216089

2

Feb. 2, 1984, 84-1 C.P.D. ¶ 143; Halifax Engineering, Inc.,
B-209822, Dec. 15, 1982, 82-2 C.P.D. ¶ 537.

Protest dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel